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September 6, 2017

The Honorable Lewis A. Kaplan  
United States District Judge  
Southern District of New York  
U.S. Courthouse  
500 Pearl Street  
New York, New York 10007

Re: United States v. Elijah Brown  
Criminal No. 16 Cr. 212 (LAK)

Dear Judge Kaplan:

Kindly accept this letter *in lieu* of a more formal Pre-sentence Memorandum on behalf of Elijah Brown (“Elijah”) in connection with his sentencing, scheduled before your Honor on September 22, 2012.<sup>1</sup>

Elijah was arrested and detained on April 2, 2016. He appeared before the Honorable Gabriel W. Gorenstein on May 17, 2017, and entered a guilty plea to Count 1: Racketeering Conspiracy in violation of 18 U.S.C., Section 1962(d), and Count 4: Possession of a Weapon in Furtherance of a Drug Trafficking Offense, in violation of 18 U.S.C., Sections 924(c)(1)(A)(i). The guilty plea was in accordance with a plea agreement dated April 28, 2017.

After review of the Presentence Report (“PSR”), there are no objections. Specifically, we agree with paragraph 123, page 29 of the PSR: based on a total offense level of 30 and a criminal history of I, the guideline range is 97 to 121 months, in addition to a mandatory consecutive sentence of at least 60 months imprisonment to be imposed for Count 4. Therefore, the total effective guideline imprisonment range is 157 to 181 months. The purpose of the memorandum is to respectfully request that your Honor sentence Elijah to 157 months imprisonment.

Elijah has taken responsibility for his actions, and refuses to use his parents or his environment as scapegoats for his actions, basically saying that it was all on him. However, respecting the fact that he is taking all responsibility for his actions, it is not difficult to comprehend that Elijah is yet another victim of the scourge that has been affecting the children of this country for a very long time: drugs. Today, Elijah is 20 years old. Since the tender age of 14 he became addicted to smoking marijuana (“he smoked it multiple times per day” PSR, paragraph 103, page 27). He escalated his use of drugs by ingesting Ecstasy, abusing prescription drugs, such as Percocet and Xanax, and drinking this cocktail of drugs with alcohol. Since the ages of 14 Elijah was virtually high on drugs every day, with the exception of several

<sup>1</sup> The undersigned has requested an adjournment from the September 22, 2017 sentencing date since he will be out of the

trips to rehabilitation. A “normal” 14 to 20 year boy will make mistakes, a boy this age high on drugs will make devastating errors. There is no minimizing Elijah’s action, including his handling of weapons while acting on behalf of the gang. However, even with the fact that he will be incarcerated for at least 157 months or 13 years of his young life, he can count himself lucky that he was arrested, and that he will have ample time to get away from the life that led him to this moment. Elijah will be approximately 33 years if he is sentenced to 157 months in prison, spending most of his youth behind bars. Elijah, however, will be alive. We feel that a sentence to 157 months meets the 3553(a) standard of “sufficient, but not greater than necessary” in Elijah’s case because of his age, drug problem, lack of prior involvement and the support he will have when released from jail.

Elijah’s mother, Karen Brown Lee, stands to lose two of his two sons to the jail system.<sup>2</sup> She has been very involved since the inception of this case, and presents herself as a loving and caring mother. As an employed registered nurse she works exclusively for the care of her children: Anastasia Brown, age 19, and a student at Manhattan Community college, and Jordan Brown, age 13, also a student. Although Elijah’s parents separated, it is not clear what effects it had on Elijah. He speaks well of his mother as well as his father. Both parents, however, mark the day that Elijah’s personality seemed to change, and when he became involved in the gang and drug culture. When Elijah was 13 or 14 years old, he was beaten and robbed by a group of young gang members. Thereafter, he sought the protection of the gang, leading him to this day.

A sentence of 157 months will certainly fall within the factors to be considered by the Court in imposing sentence over Elijah: It would “reflect the seriousness of the offense, promote respect for the law, and provide just punishment for the offense.” Elijah will be incarcerated for approximately a decade or more. This will definitely “protect the public from further crimes,” and allow him the time to receive “needed education or vocational training.”

Thank you for your consideration and attention.

Respectfully submitted,

/ Elvis Alexander Jardines/

EIVIS ALEXANDER JARDINES, ESQ.  
EAJ/lcj

Cc: Rachel Maiman, Esq.  
Assistant U.S. Attorney

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<sup>2</sup> Joshua Brown, age 21, is a codefendant in this case.